

# Morgan Lewis

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October 7, 2024

Magistrate Judge Victoria Reznik  
The Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse  
300 Quarropas St.  
White Plains, New York 10601-4150

Re: *The Wave Studio, LLC v. General Hotel Management Ltd. et al.*, Case No. 7:13-cv-09239  
and Related Cases

Dear Magistrate Judge Reznik:

We write pursuant to the Court's September 23, 2024, Order (Dkt. 390) to state whether our clients, identified below my signature, will participate in the preliminary motion practice on threshold issues.

We anticipate moving on behalf of our clients Booking Holdings Inc., Agoda Company Pte Ltd., AGIP LLC, Booking.com BV, Booking.com (USA) Inc., Rocket Travel, Inc., Momondo A/S, Priceline.com, LLC and Southwest Airlines Co. on the statute of limitations defense.<sup>1</sup> None of our clients is moving on grounds of personal jurisdiction or the doctrine of extraterritoriality at this time. Clients not specifically listed in this paragraph are not moving on any issues at this time.

We are not aware of any other defendants that plan to participate in the proposed early motion practice on the statute of limitations issue, although note that a few advised the Court today that they are still evaluating (without specifying which of the issues remain under consideration). Given that no defendants have committed to joining the one issue of interest to our clients for early resolution, we respectfully request that the Court allow our firm to file a single motion and memorandum of the standard twenty-five (25) pages to address the issue of whether the Plaintiff's claims against the aforementioned defendants are barred by the statute of limitations.

We understand that any defendant (including our clients) that does not participate in this early motion practice reserves its right to assert any claims or defenses in the normal course of the litigation, and that the cases are otherwise stayed as to all defendants (except as to the statute of limitations motion for the defendants listed above) as provided in Section 2 of the Court's September 5, 2024, Order (Dkt. 384). Consistent with this, we further understand that any defendant that does not participate on a particular issue in this early motion procedure will be able to file a Rule 12 motion on such issues or other grounds whenever responses to the Master

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<sup>1</sup> Certain of these defendants are wrongfully named in these cases as they do not operate consumer facing websites and did not engage in the activities alleged in the Master Complaint. By joining in the statute of limitations motion, they are not waiving their right to challenge the claims against them on that separate and independent basis (or any other defenses), nor admitting that they engaged in the alleged actions at any time.

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Complaint are due or as otherwise permitted under the Federal Rules. See Order, Dkt. 384 ("Defendants who elect not to file Rule 12 motions on the threshold issues listed above do not waive their right to assert any claims or defenses later in the normal course of the case, in accordance with the Federal Rules."). If our understanding is incorrect, we respectfully request clarification in Your Honor's next order.

We appreciate You Honor's consideration of the above request and ongoing assistance in these sprawling cases.

Sincerely,

/s/ Carla B. Oakley

Carla B. Oakley

*Counsel for: Booking Holdings Inc.; Agoda Company Pte Ltd.; AGIP LLC, Booking.com BV; Booking.com (USA) Inc.; Rocket Travel, Inc. and Momondo A/S; Hotels Combined Pty Ltd; Priceline.com LLC; Getaroom.com; Kayak Software Corp. d/b/a Kayak.com; and Southwest Airlines Co. Hotels Combined Pty Ltd. has not been named as a party and has not been served; Plaintiff has only named Hotels Combined LLC, which at this time is an unknown entity that does not appear to be active. Getaroom.com and Kayak.com are jointly represented by Clausen Miller, P.C.*